

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
(DETROIT)**

In re:)
)
CITY OF DETROIT, MICHIGAN,) CASE NO.: 13-53846
)
)
Debtor.) CHAPTER 9
)
) Hon. Steven W. Rhodes
)

**CERTIFICATION OF COURTNEY M. ROGERS TO
ORDER GRANTING MOTION TO COMPEL FULL CLAWBACK
OF DEBTOR'S DOCUMENT PRODUCTION AND RELATED RELIEF**

COURTNEY M. ROGERS hereby certifies as follows:

1. I am over the age of 18 and am an attorney with the law firm of Waller Lansden Dortch & Davis, LLP (“Waller”), counsel for U.S. Bank National Association, in its capacity as trustee (the “Trustee”) for those certain bonds issued by the City of Detroit (the “City”) for the Detroit Water and Sewer Department to finance and refinance improvements to the City’s Water Supply System and the City’s Sewage Disposal System.
2. On May 7, 2014, Waller received a letter from Mary Hale of Jones Day LLP, counsel for the City (“City’s Counsel”), and an external hard drive containing the document production (the “Production”) of the City in the above-captioned proceeding.
3. Additionally, Waller received a letter by e-mail, dated May 8, 2014, from Geoffrey Irwin of City’s Counsel regarding the City’s inadvertent inclusion of confidential documents in the Production.

4. In accordance with the *Order Granting Motion to Compel Full Clawback of Debtor's Document Production and Related Relief* (Doc. 4710) (the “Clawback Order”), entered May 13, 2014, on May 13, 2014, Waller caused the Production (*i.e.*, the external hard drive) to be returned by overnight courier to City’s Counsel at 51 Louisiana Avenue, N.W., Washington, DC 20001, Attn: Mary Hale. *See Courtney M. Rogers Letter of May 13, 2014*, attached hereto as **Exhibit A**.

5. On May 14, 2014, Waller received confirmation of the overnight delivery service returning the Production to City’s Counsel. *See Tracking Confirmation*, attached hereto as **Exhibit B**.

6. Prior to returning the Production, Waller did not upload any of the Production onto any Waller systems or hardware, or make any electronic or physical copies of the Production or any portion thereof. Additionally, Waller is not in possession of any electronic or physical copies of the Production or any portion thereof. Further, Waller did not create any work-product reflecting the contents of any document in the Production, or any portion thereof, and therefore has not retained any work product relating to the Production. Prior to the Clawback Order, Waller had contracted with a third-party vendor for hosting the Production in a review tool made accessible to Waller. On May 14, 2013, Waller received notification from the third-party vendor that the Production has been deleted from all databases and servers accessible by Waller. Accordingly, Waller has complied with each of the provisions of paragraph 2 of the Clawback Order.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the State of Tennessee that the foregoing is true and correct. Executed on May 14, 2014, in Nashville, Tennessee.

/s/ Courtney M. Rogers
Courtney M. Rogers (TN25664)
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*Attorney for U.S. Bank National Association, as
Trustee for the Water and Sewer Bonds*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Certification of Courtney M. Rogers to Order Granting Motion to Compel Full Clawback of Debtor's Document Production and Related Relief* was filed and served via the Court's electronic case filing and noticing system to all parties registered to receive electronic notices in this matter, this the 14th day of May, 2014.

/s/ Courtney M. Rogers

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